



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3975**  
Katsumi IHARA et al. : Attorney Docket No. 2005\_0097A  
Serial No. 10/524,024 : Group Art Unit 1615  
Filed February 9, 2005 : Examiner Suez Y. Ellis  
PATCH CONTAINING FENTANYL FOR : **Mail Stop: AF**  
MUCOUS MEMBRANE OF ORAL CAVITY

**NOTICE OF APPEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated October 14, 2008 of the Primary Examiner finally rejecting claims 1-6.

- (X) A timely response to the final rejection has been filed.
- (X) The extension fee of **\$1,110.00** for a three month extension of time is submitted with the attached Petition for Extension of Time.
- (X) The Appeal Fee of [X] \$540.00 (other than Small Entity)  
[ ] \$270.00 (Small Entity)
- (X) is enclosed  
( ) is to be charged to Deposit Account No. 23-0975. The original and two copies of this sheet are enclosed.
- ( ) Small entity status of this application is established by the verified statement under 37 CFR 1.9 and 1.27 which  
( ) is enclosed.  
( ) has been previously submitted.

04/14/2009 DENMANU1 00000052 10524024

01 FC:1401

540.00 OP

() The Appeal Fee is not required since it was paid in a prior appeal.

***The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.***

Respectfully submitted,

Katsumi IHARA et al.

By Andrew B. Freistein

Andrew B. Freistein

Registration No. 52,917

Attorney for Applicants

MRD/ABF/vah  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
April 13, 2009